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December 17, 2007

**BY HAND**

Honorable Deborah A. Batts  
United States District Judge  
United States Courthouse, Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Jonathan Cadet v. The City of New York et al. 07-cv-10646 (DAB)(RLE)

Your Honor:

As the Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to defend the above-referenced matter, I write to respectfully request that the Court grant defendant City of New York a sixty (60) day enlargement of time to and including February 18, 2008 in which to respond to the complaint.<sup>1</sup> Plaintiff's counsel, Mr. Richard Cardinale, consents to this request.

Plaintiff brings this action pursuant to 42 U.S.C. §1983 alleging, *inter alia*, that on January 15, 2007, he was falsely arrested, assaulted and ordered to "strip his clothing." According to plaintiff, he was subsequently charged with trespass and the charges were either dismissed or adjourned in contemplation of dismissal. Based on the foregoing, it is necessary for defendant City of New York to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. Currently, this office is in the process of forwarding to plaintiff for execution, a consent and authorization for the release of records sealed pursuant to New York Criminal Procedure Law § 160.50 and a release for plaintiff's medical records. Defendant cannot obtain these records without plaintiff's authorizations, and without the records, defendant cannot properly assess this case or respond to the complaint.

<sup>1</sup> Upon information and belief, and based upon a review of the civil docket sheet, the individuals identified in the caption of the complaint as "John Walsh" and "Richard Kern" have not been served with a copy of the summons and complaint. Without appearing on their behalf, it is respectfully requested that, in the event either or both of these individuals were served, the same extension be granted to them in order to ensure that their defenses are not jeopardized while representation issues are being decided.

DEMO ENDORSED

MEMO ENDORSED

No previous request for an enlargement of time has been made. Accordingly, it is respectfully requested that defendant's time to respond to the complaint be extended to and including February 18, 2008.

I thank Your Honor for considering the within request.

Respectfully submitted,

*Brooke R.*

Brooke Birnbaum (BB 8338)  
Assistant Corporation Counsel

cc: Mr. Richard Cardinale, Esq. (By Fax)

SO ORDERED

*Deborah A. Batts*

DEBORAH A. BATTS 12/19/2007  
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED